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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

On May 22, 2003

TOWNSEND and TOWNSEND and CREW LLP

By: Paul Townsend

PATENT
Attorney Docket No.: 015270-006720US
Client Ref. No.: 00154-US-CIP2

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Games et al.

Application No.: 09/149,718

Filed: September 8, 1998

For: TRANSGENIC ANIMALS
HARBORING APP ALLELE HAVING
SWEDISH MUTATION

Examiner: D. Crouch

Art Unit: 1632

DECLARATION OF
JOE LIEBESCHUETZ

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Joe Liebeschuetz, state as follows:

1. I am a partner with the law firm of Townsend and Townsend and Crew, San Francisco, California (TTC) and am registered to practice before the U.S. Patent and Trademark Office.

2. I am responsible for the prosecution of the above-captioned application.

3. On April 16, 2003 the PTO mailed a Notice of Abandonment. According to this Notice, the present application was abandoned in view of Applicants' failure to respond to the Notice of Allowance, mailed October 18, 2002.

4. To the best of my knowledge, I have never received the subject Notice of Allowance. I have searched the corresponding application file (TTC File No. 015270-006720US) and found no indication that the subject Notice of Allowance has been received.

5. I instructed the TTC docket department to conduct a search of our docket record (as described in the accompanying declaration of Michele Simone). Such a search has revealed no record indicating the subject Notice of Allowance was ever received by TTC. Accordingly, the searches of both the application file and docket records indicate the subject Notice of Allowance has not been received by TTC.

Respectfully submitted,



Joe Liebeschuetz
Reg. No. 37,505

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, 8th Floor
San Francisco, California 94111-3834
Tel: (650) 326-2400
Fax: (650) 326-2422
JOL:pfh
PA 3306935 v1



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On May 22, 2003

TOWNSEND and TOWNSEND and CREW LLP

By: Paula Anne Hurl

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Art Unit: 1632

DECLARATION OF
MICHELE SIMONE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Michele Simone, declare as follows:

1. I am a docketing clerk with the docket department (U.S.) at Townsend and Townsend and Crew LLP, San Francisco, California (TTC). I have been a docketing clerk at TTC since 1990.

2. I am responsible for handling incoming mail, including office actions, from the U.S. Patent and Trademark Office (PTO). Under standard TTC operating procedure, office actions received from the PTO are entered in TTC's "Patent and Trademark Docket" by their due date. Accordingly, if a Notice of Allowance (three month due date) was mailed October 18, 2002 and had been received by TTC, it would have been entered with a due date of January 18, 2003. Attached is an excerpt of the relevant part of the Docket identifying entries having a due date of 01/01/03 to 01/31/03. The docket entry for the missing office action would have been listed on p. 2 between client file numbers 013952-008020US and 18428X-035810US. No such entry is listed.

3. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,



Michele Simone

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, 8th Floor
San Francisco, California 94111-3834
Tel: (650) 326-2400
Fax: (650) 326-2422
JOL:pfh
PA 3306941 v1

Prosecution Docket Report

For: Joe Liebeschuetz
Country: For US Matters
Start Date: 1/1/2003
End Date: 1/31/2003

Date Type: Both Due and Reminder Dates

Date Client/Matter (Pat/TM)	Action/Events Notes	Title/Mark Client	(Redacted) App - Reg No Filing - Issue Date	Country Status	Bill - Resp Party Other Attys
Due Date: 01/02/2003 019269-000110US (Pat)	Publication Non-Priority Foreign Filing	[Redacted]	[Redacted]	US Pending	JOL - SLA SLA
Due Date: 01/02/2003 15270J-004726US (Pat)	Restrictions (2 Mo Ext)	[Redacted]	[Redacted]	US Pending	JOL - RIC RIC
Due Date: 01/04/2003 018097-000532US (Pat)	Response to Office Action (1st Extension)	[Redacted]	[Redacted]	US Inactive - Abandoned	JOL - JOL
Due Date: 01/04/2003 018547-030530US (Pat)	Response to Office Action	[Redacted]	[Redacted]	US Pending	WMS - JOL JOL
Due Date: 01/04/2003 018547-046200US (Pat)	Annuity: Next	[Redacted]	[Redacted]	US Granted	WMS - M3C JOL
Due Date: 01/06/2003 020618-000600US (Pat)	Response to Final Office Action (1st Extension)	[Redacted]	[Redacted]	US Pending	JOL - SLA SLA
Due Date: 01/07/2003 2307AA-030350US (Pat)	Response to Notice of Missing Parts (Final Deadline)	[Redacted]	[Redacted]	US Inactive - Abandoned	JOL - JOL
Due Date: 01/09/2003 018547-030130US (Pat)	Check PAIR for 1st OA	[Redacted]	[Redacted]	US Pending - Published	WMS - JOL

Date Client/Matter (Pat/TM)	Action/Events Notes	Title/Mark Client	App - Reg No Filing - Issue Date	Country Status	Bill - Resp Party Other Attys
<u>Due Date: 01/10/2003</u> 015270-006440US (Pat)	Response to Office Action	[REDACTED]	[REDACTED]	US Pending	JOL - R1C R1C
<u>Due Date: 01/11/2003</u> 16528A-000410US (Pat)	Annuity: Next	[REDACTED]	[REDACTED]	US Granted	WMS - M3C JOL
<u>Due Date: 01/12/2003</u> 018547-015730US (Pat)	Response to Notice of Missing Parts (2nd Extension)	[REDACTED]	[REDACTED]	US Pending	WMS - JOL JOL
<u>Due Date: 01/12/2003</u> 018547-015730US (Pat)	Response to Notice to Comply with Sequence Requirements (2nd Extension)	[REDACTED]	[REDACTED]	US Pending	WMS - DMW JOL
<u>Due Date: 01/12/2003</u> 020618-000100US (Pat)	Response to Office Action (2nd Extension)	[REDACTED]	[REDACTED]	US Inactive - Abandoned	JOL - SLA SLA
<u>Due Date: 01/14/2003</u> 018547-021210US (Pat)	1-mo. to publication	[REDACTED]	[REDACTED]	US Pending	WMS - SLA JOL SLA
<u>Due Date: 01/14/2003</u> 020654-000200US (Pat)	Response to Office Action (2nd Extension)	[REDACTED]	[REDACTED]	US Pending	JOL - JOL
<u>Due Date: 01/17/2003</u> 019553-000310US (Pat)	3 MO EXT/ABAND-USP-NOTICE APL	[REDACTED]	[REDACTED]	US Inactive - Abandoned	WMS - SLA JOL SLA
<u>Due Date: 01/18/2003</u> 013952-008020US (Pat)	Status Check (Filing Receipt Received?)	[REDACTED]	[REDACTED]	US Inactive - Abandoned	SWP - JOL
<u>Due Date: 01/18/2003</u> 18428X-035810US (Pat)	Resp-1 mo. Restriction Requirement	[REDACTED]	[REDACTED]	US Inactive - Transferred	JOL - JOL
<u>Due Date: 01/19/2003</u> 015270-008500US (Pat)	File Non-Provisional Application - 6 Month	[REDACTED]	[REDACTED]	US Pending	JOL - JOL

Date Client/Matter (Pat/TM)	Action/Events Notes	Title/Mark Client	App - Reg No Filing - Issue Date	Country Status	Bill - Resp Party Other Attys
Due Date: 01/19/2003 015270-008500US (Pat)	6 MO FORGN	[REDACTED]	[REDACTED]	US Pending	JOL - JOL
Due Date: 01/19/2003 016351-000216US (Pat)	Response to Notice of Missing Parts (Final Deadline)	[REDACTED]	[REDACTED]	US Inactive - Abandoned	WMS - JOL JOL
Due Date: 01/22/2003 018852-000510US (Pat)	Notice of Appeal	[REDACTED]	[REDACTED]	US Pending	JOL - JOL
Due Date: 01/22/2003 018852-000520US (Pat)	Response to Office Action	[REDACTED]	[REDACTED]	US Pending	JOL - JOL
Due Date: 01/22/2003 019496-006230US (Pat)	Notice of Appeal	[REDACTED]	[REDACTED]	US Pending	JOL - JOL
Due Date: 01/22/2003 15270J-004750US (Pat)	Response to Office Action (1st Extension)	[REDACTED]	[REDACTED]	US Pending	JOL - RIC RIC
Due Date: 01/22/2003 16994G-013720US (Pat)	Response to Office Action	[REDACTED]	[REDACTED]	US Pending	JOL - SLA SLA
Due Date: 01/23/2003 019553-003810US (Pat)	1-mo. to publication	[REDACTED]	[REDACTED]	US Pending	WMS - LMT JOL LMT
Due Date: 01/23/2003 020618-000700US (Pat)	Response to Office Action (2nd Extension)	[REDACTED]	[REDACTED]	US Pending	JOL - SLA SLA
Due Date: 01/23/2003 15270J-004762US (Pat)	Restrictions (3 Mo Ext)	[REDACTED]	[REDACTED]	US Pending	JOL - RIC RIC
Due Date: 01/23/2003 16994G-010311US (Pat)	Notice of Appeal (Final)	[REDACTED]	[REDACTED]	US Pending	JOL -
Due Date: 01/24/2003 019282-001600US (Pat)	Foreign Filing Deadline	[REDACTED]	[REDACTED]	US Inactive	JOL - JOL

Date Client/Matter (Pat/TM)	Action/Events Notes	Title/Mark Client	App - Reg No Filing - Issue Date	Country Status	Bill - Resp Party Other Attys
Due Date: 01/25/2003 015270-008900US (Pat)	IDS (Inf.Discl.Stmt.) deadline	[REDACTED]	[REDACTED]	US Pending	JOL - RIC RIC
Due Date: 01/25/2003 15270J-006210US (Pat)	Response to Final Office Action due (1st Deadline or Ext)	[REDACTED]	[REDACTED]	US Pending	JOL - RIC RIC
Due Date: 01/26/2003 2307AA-110810US (Pat)	5 MO EXT/ABAND-USP-APPEAL BRF case suspended 7/15/02	[REDACTED]	[REDACTED]	US Pending	JOL - NSC NSC
Due Date: 01/28/2003 013952-008020US (Pat)	Response to Notice of Missing Parts (3rd Extension)	[REDACTED]	[REDACTED]	US Inactive - Abandoned	SWP - JOL JOL
Due Date: 01/29/2003 018547-017111US (Pat)	Drawings Due	[REDACTED]	[REDACTED]	US Pending	WMS - JOL JOL
Due Date: 01/30/2003 018547-004120US (Pat)	2nd Notice of Appeal (1st Ext.)	[REDACTED]	[REDACTED]	US Pending	WMS - JOL JOL
Due Date: 01/30/2003 16994G-012710US (Pat)	Response to Final Office Action	[REDACTED]	[REDACTED]	US Pending - Published	JOL - JOL
Due Date: 01/30/2003 16994G-012710US (Pat)	Notice of Appeal	[REDACTED]	[REDACTED]	US Pending - Published	JOL - JOL